

United States District Court

SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

2009 DEC -7 PM 2:34

UNITED STATES OF AMERICA
V.JUDGMENT IN A CRIMINAL CASE
(For Revocation of Probation or Supervised Release)Stanley HarrisCase Number: CR402-00111-002USM Number: 11243-021Samuel G. Oliver
Defendant's Attorney

THE DEFENDANT:

- ☒ admitted guilt to violation of a mandatory condition of the term of supervision.
☐ was found in violation of condition(s) after denial of guilt.

The defendant is adjudicated guilty of the following violation:

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Violation Ended</u>
1	The defendant failed to refrain from unlawful use of a controlled substance (mandatory condition).	November 5, 2009

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has not violated condition(s) and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Defendant's Soc. Sec. No: XXX-XX-7398Defendant's Date of Birth: July 31, 1958December 7, 2009

Date of Imposition of Judgment

Defendant's Residence Address:
Federal Bureau of Prisons

Signature of Judge

B. Avant Edenfield
United States District Judge
For the Southern District of Georgia
Name and Title of JudgeDefendant's Mailing Address:
Federal Bureau of Prisons

Date

DEFENDANT: Stanley Harris
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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: 14 months.

☒ The Court makes the following recommendations to the Bureau of Prisons:
The Court recommends that the defendant receive the maximum benefit from any available substance abuse treatment during his term of incarceration.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district,

☐ at ____ ☐ a.m. ☐ p.m. on ____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on ____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____ with a certified copy of this judgment.

United States Marshal

By _____

Deputy United States Marshal

DEFENDANT: Stanley Harris
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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: 42 months.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement; and
- 14) Any possession, use, or attempted use of any device to impede or evade drug testing shall be a violation of supervised release.

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SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall participate in a program of treatment for drug and alcohol abuse. The costs of treatment shall be paid by the defendant in an amount to be determined by the probation officer, based on ability to pay or availability of third-party payment.
2. The defendant shall participate in a program of testing for drug and alcohol abuse.

ACKNOWLEDGMENT

Upon finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed)

Defendant

Date

U. S. Probation Officer/Designated Witness

Date

DEFENDANT: Stanley Harris
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COURT'S FINDINGS

On December 7, 2009, the defendant, with assistance of counsel, appeared before the Court for a revocation hearing for violation of supervised release. The Court, after receiving a stipulation from the defendant, made findings on the record that on December 13, 2002, the defendant appeared before the Honorable John F. Nangle for sentencing after previously pleading guilty to distribution of 5 grams or more of crack cocaine. The defendant was sentenced to 100 months custody, which was the result of a downward departure, to be followed by an eight-year term of supervised release. The defendant was ordered to pay a \$100 special assessment. As a special condition to the term of supervised release, the defendant was ordered to participate in a program of testing for drug and alcohol abuse and to participate in a program of treatment for drug and alcohol abuse as directed. The defendant was released to supervision on June 12, 2009.

The Court finds that on November 4, 2009, the defendant violated the conditions of supervised release by ingesting crack cocaine. On November 5, 2009, the defendant admitted to the probation officer that he used crack cocaine on November 4, 2009. The defendant has a long history of addiction to cocaine, and his criminal history reflects that of a drug addict. The defendant has one prior possession of cocaine conviction and nine prior convictions for theft or forgery offenses, most of which were felony convictions. The defendant has also been arrested on thirteen other occasions for offenses which were dismissed or the disposition of which is unknown. The Court notes, however, that the defendant has accepted responsibility for his actions and apologized to the Court.

The Court has considered the Sentencing Commission's Chapter Seven Policy Statements, and sentences the defendant to fourteen months custody, to be followed by forty-two months supervised release. While incarcerated, the Court recommends that the defendant receive the maximum benefit from any available substance abuse treatment, and he shall be placed in a substance abuse treatment program upon his release to supervision.